

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

REGINALD HERBIN,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

22-CV-5890 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated August 22, 2022, the Court directed Plaintiff, within 30 days, to submit a request to proceed *in forma pauperis* (IFP) or pay the \$402.00 in fees required to file a civil action in this court.<sup>1</sup> That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an IFP application or paid the fees. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

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<sup>1</sup> On October 18, 2022, Plaintiff informed the Court that he is now detained at the Anna M. Kross Center on Rikers Island. On October 21, 2022, the Clerk's Office sent a copy of the order to Plaintiff at that facility.

The Clerk of Court is directed to enter judgment dismissing this case.

SO ORDERED.

Dated: December 7, 2022  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge